

Message Text

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ORIGIN ERDA-07

INFO OCT-01 NEA-10 IO-13 ISO-00 OES-06 L-03 ACDA-07

CIAE-00 INR-07 NSAE-00 NSC-05 EB-07 NRC-05 FEAE-00

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P 211534Z SEP 76

FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

AMEMBASSY NEW DELHI PRIORITY

AMCONSUL BOMBAY PRIORITY

C O N F I D E N T I A L STATE 233828

E.O. 11652: GDS

TAGS: TECH, IAEA, IN

SUBJECT: STORAGE OF SPENT TARAPUR FUEL

REF: A) IAEA VIENNA 6770; B) IAEA VIENNA 6107

1. PREFRE RECEIVING POOL CLEARLY IS NOT REPEAT NOT PART OF TARAPUR ATOMIC POWER STATION ON BASIS EITHER ITS INTENDED FUNCTION OR ITS PHYSICAL RELATIONSHIP TO TAPS. CONSEQUENTLY, THE GOI IS REQUIRED OBTAIN USG AGREEMENT TO ANY TRANSFER OF SPENT TARAPUR FUEL TO PREFRE RECEIVING POOL, PURSUANT TO ARTICLE VI-B-3 OF U.S.-INDIA AGREEMENT FOR COOPERATION, AND SETHNA-RAY LETTER EXCHANGE OF SEPTEMBER 1974. UNDER SECTION 4 OF TRILATERAL, ONLY U.S. RIGHTS UNDER ARTICLE VI "TO IMPLEMENT THE SAFE-GUARDS PROVISIONS' ARE SUSPENDED. SINCE VI-B-3 IS NOT CONFIDENTIAL

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REPEAT NOT A 'SAFEGUARDS' PROVISION, THE RIGHTS AFFECTED

BY THE TRILATERAL AGREEMENT DO NOT REPEAT NOT INCLUDE
THOSE CONFERRED BY BILATERAL AGREEMENT ARTICLE VI-B-3.

2. WHILE WE BELIEVE IT NECESSARY TO ASSERT FOREGOING
POSITION AT THIS TIME, WE ARE NOT REPEAT NOT TRYING
TO BLOCK USE OF PREFRE RECEIVING POOL FOR STORAGE OF
TAPS FUEL, AND WE ARE PREPARED TO CONSIDER AUTHORIZING
TRANSFER OF FUEL FOR THAT PURPOSE PROVIDED ADEQUATE IAEA

SAFEGUARDS ARRANGEMENTS CAN BE BROUGHT INTO FORCE THERE.
IT MUST BE EMPHASIZED, HOWEVER, THAT A U.S. AUTHORIZATION
OF SUCH A TRANSFER WOULD IN NO WAY REPRESENT A U.S.
DECISION REGARDING THE JOINT DETERMINATION CONTEMPLATED
BY U.S.-INDIA BILATERAL AGREEMENT ARTICLE II-E. WITHOUT
A U.S. DECISION THAT SUCH DETERMINATION CAN BE MADE, FUEL
MAY NOT REPEAT NOT BE REPROCESSED, AND FORM AND CONTENT
OF IRRADIATED FUEL ELEMENTS MAY NOT REPEAT NOT BE
ALTERED, REGARDLESS OF WHETHER U.S. CONSENTS TO STORAGE
OF SPENT FUEL IN PREFRE RECEIVING POOL.

3. MISSION/EMBASSY/CONGON REQUESTED ADVISE IAEA/GOI OF
FOREGOING (PARAS 1 AND 2), INSOFAR AS CLARIFICATION OF
THESE POINTS MAY APPEAR NECESSARY.

4. IN CONNECTION WITH SAFEGUARDS AT RECEIVING POOL, REF
A INDICATES THAT IAEA FEELS LIMITED BY BILATERAL ARTICLE
VI-B-2. IT SHOULD BE EMPHASIZED THAT THIS SUBPARA
CONCERNING RECORDS AND REPORTS SYSTEM IS ONLY ONE AMONG
OTHER SAFEGUARDS PROVISIONS WHICH IAEA IS RESPONSIBLE
FOR IMPLEMENTING. ARTICLE VI-B-4, CONCERNING ACCESS, IS
AT LEAST EQUALLY IMPORTANT. CAMERAS AND OTHER
SURVEILLANCE DEVICES ARE FORMS OF ACCESS; AND WE WOULD
EXPECT IAEA TO CONSIDER USE OF SOME SUCH FORMS OF ACCESS
ESSENTIAL AT ALL TIMES WHEN INSPECTORS ARE NOT TO BE
PHYSICALLY PRESENT AT STORAGE POOL DURING PERIODS WHEN
ANY U.S.-SUPPLIED MATERIAL WOULD BE IN POOL. ESPECIALLY
IF, AS SUGGESTED REF A PARA 5 AND 6, GOI HAS INTIMATED
THAT NOTHING MORE THAN RECORDS AND REPORTS IS WARRANTED
BY THE BILATERAL AGREEMENT PROVISIONS WHICH IAEA HAS
RIGHT AND OBLIGATION TO IMPLEMENT, IT WOULD SEEM IMPORTANT
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FOR IAEA TO OBTAIN GOI AGREEMENT NOW TO IAEA USE OF
WHATEVER FORMS OF ACCESS IT CONSIDERS NECESSARY (WHETHER
AT POOL ALONE OR AT OTHER PARTS OF REPROCESSING FACILITY),
RATHER THAN RELEGATE SETTLEMENT OF THESE "PRACTICAL
ARRANGEMENTS, TO FUTURE DISCUSSIONS WITH PLANT OPERATORS.

WE NOTE (REF B, PARA 4) THAT INDIANS WOULD PREFER NOT TO
HAVE IAEA SURVEILLANCE EQUIPMENT AT PREFRE POOL BECAUSE

UNSAFEGUARDED FUEL MAY BE STORED THERE, BUT WE BELIEVE IAEA RESPONSIBILITY WITH RESPECT TO FUEL THAT IS SUBJECT TO SAFEGUARDS WARRANTS IAEA INSISTENCE. WE WOULD APPRECIATE ADVICE AS TO WHAT AGENCY DEEMS NECESSARY.

5. MISSION REQUESTED DISCUSS WITH AGENCY POINTS RAISED FOREGOING PARA AND REPORT AGENCY COMMENTS ASAP. WE UNDERSTAND THAT PREFRE RECEIVING POOL IS ONLY STORAGE SPACE AVAILABLE FOR TARAPUR-I DISCHARGE NOW SCHEDULED FOR JANUARY 1977, AND THUS WE FEEL THIS ISSUE MUST BE RESOLVED IN EXPEDITIOUS MANNER.

6. MISSION ALSO REQUESTED ASCERTAIN AND ADVISE PRESENT STATUS OF DEVELOPMENT OF SAFEGUARDS SUBSIDIARY ARRANGEMENTS FOR REPROCESSING PLANT AS A WHOLE. ROBINSON

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Margaret P. Grafeld
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